

Second, which motion prevailed as follows:

Yeas—Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—Councilman Connor—1.

The question being "Shall this Ordinance Now Pass?" The ordinance as amended, was passed, a majority of the Councilmen present voting therefor as follows:

Yeas—Councilmen Beck, Brickley, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—7.

Nays—Councilman Connor—1.

Title to the Ordinance was confirmed.

MONDAY, SEPTEMBER 10th

Chairman Brickley submitted the following committee reports for above date, and recommended their adoption:

Encroachments

Honorable Common Council:

Gentlemen — To your Committee of the Whole was referred petition of Joseph Lee (2531), for an encroachment at 5750 Grand River Ave. After consultation with the Dept. of Public Works, and careful consideration of same, your committee recommends that the request be granted in accordance with the following resolution.

Respectfully submitted,

JAMES H. BRICKLEY,

Chairman.

By Councilman Brickley:

Resolved, That the Dept. of Public Works be and it is hereby authorized and directed to issue permit to:

Joseph Lee for maintenance of existing building encroachment of approximately two inches into public property at 5750 Grand River Ave., installing glazed tile below the show windows and building piers between show windows to a height of approximately 12 ft. above sidewalk grade; and also, an aluminum siding to extend across entire front of building beginning 12 ft. above sidewalk to a height of 21 ft. 6 inches, resulting in a total maximum encroachment of approximately 4 inches; subject to petitioner furnishing an agreement in accordance with this resolution.

Provided, That same shall be constructed and/or maintained under the rules and regulations of the Dept. of Public Works and the Dept. of Buildings & Safety Engineering, in accordance with plans submitted to and approved by those departments; and further

Provided, That the permittee, for himself, his heirs, legal representatives, successors and assigns shall accept such permit on the conditions hereby imposed, and with the further distinct understanding that during the life of said encroachment the permittee will assume full liability for any and all damages which may be

sustained by the City arising by reason of the granting of said permit, and that said permittee will, before the issuance of said permit, file with the City Controller the type of document as above set forth, naming the City of Detroit as obligee therein, conditioned to indemnify and save harmless the City of Detroit from any and all loss or damage, including loss or damage emanating from personal injury and property damage, costs and expenses it may suffer arising during the life of said encroachment by reason of the issuance of said permit. The said document shall be approved by the Corporation Counsel as to form and execution before filing same with the City Controller; and further

Provided, That the permittee shall acquire no implied or other privileges hereunder not expressly stated herein, that no rights in the public streets, alleys or other public property shall be considered waived by this permission, which is granted expressly on the condition that the encroachment hereby permitted shall be removed at the expense of the permittee at any time said structure or installation is remodeled, rebuilt or otherwise changed, so that the street, alley or other public property affected thereby shall remain free of such encroachment; and further

Provided, That said permit shall be issued only after a certified copy of this resolution has been duly recorded in the office of the Wayne County Register of Deeds, by and at the permittee's expense; and further

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council, and that at any time said permit is revoked by the Council the said encroachment shall be removed by the permittee within the time directed, and that upon failure to do so, the Commissioner of the Dept. of Buildings and Safety Engineering or his agents may enter into and upon the premises and remove at permittee's expense, any part of said structure or installation which encroaches into or upon a street, alley or other public property, and further provided, that the permittee, hereby waives any right to claim damages or compensation from the City of Detroit, or from any official agent thereof, due to the trespass or damage resulting from removing such encroachment upon a street, alley, or other public property.

Adopted as follows:

Yeas—Councilmen Beck, Brickley, Connor, Patrick, Ravitz, Rogell, Wierzbicki and President Carey—8.

Nays—None.

Licenses and Permits

Honorable Common Council:

Gentlemen—To your Committee of the Whole was referred petition of the Marist Seminarian Auxiliary